



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VIII

999 18th STREET - SUITE 300
DENVER, COLORADO 80202-2466

<http://www.epa.gov/region08>

Ref: 8ENF-W

APR 20 2005

CERTIFIED MAIL 7003 2260 0001 7779 1954
RETURN RECEIPT REQUESTED

Bradford S. Mead, Registered Agent
Spotted Horse Ranch, Inc.
POB 1809
Jackson, WY 83001

Re: Administrative Order
Docket No. **SDWA-08-2005-0016**
PWS ID #5600492

Dear Mr. Mead:

Enclosed you will find an Administrative Order (Order), which the Environmental Protection Agency (EPA) has issued under the authority of the Safe Drinking Water Act (SDWA), 42 U.S.C. Section 300f et seq., and its implementing regulations. Among other things, the Administrative Order finds that Spotted Horse Ranch ("Ranch") is a supplier of water as defined by the SDWA and that the Ranch has violated the National Primary Drinking Water Regulations (NPDWRs) at 40 C.F.R. §§ 141.63(a)(2), 141.21(b)(5), 141.21, 141.21(g)(1), and 141.21(g)(2) for: exceeding the maximum contaminant level for total coliform bacteria, failure to sufficiently monitor total coliform bacteria, and for failure to report SDWA violations to EPA.

If the Ranch complies with the enclosed Order for a period of at least twelve months, EPA may choose to close the Order. Violating the enclosed Order may lead to (1) a penalty of up to \$32,500 per day of violation of the Order, (2) a separate such penalty for violating the regulations themselves, and/or (3) a court injunction ordering the Ranch to comply.

Also enclosed is a Small Business Regulatory Enforcement and Fairness Act (SBREFA) Section 22 information sheet. The SBREFA sheet notifies small businesses of their right to comment on regulatory enforcement activities, and provides information on compliance assistance. Dissemination of this information sheet does not constitute an admission or determination by EPA that the business, organization or governmental jurisdiction is a small entity as defined by SBREFA.

A brochure entitled "Funding Options for Privately-Owned Public Water Systems in Wyoming" is also enclosed.

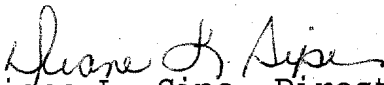


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Please note that the effective date of the enclosed Order is the date of issuance. Within the next 10 days, please provide EPA with any new information that you believe the Agency is not aware of relating to the alleged violations in the Order. The information should be sent to Kathelene Brainich at the address on the letterhead and include the mailcode 8ENF-W, or call (800) 227-8917, extension 6481 or (303) 312-6481. If you wish to have an informal conference with EPA, you may also call or write Ms. Brainich. If you are represented by an attorney, please ask your attorney to direct any legal questions to Michelle Marcu, Enforcement attorney, at the above 800 number, extension 6921, or at (303) 312-6921.

We urge your prompt attention to this matter.

Sincerely,


Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosures
Order
SBREFA
Funding Brochure

cc: Tony Royal, Spotted Horse Ranch
Dr. David Barber, WY DOH (via email)
Dr. Tracy Murphy, WY DOH (via email)
Dr. Brent Sherard, WY DOH (via email)





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

999 18th STREET - SUITE 300
DENVER, COLORADO 80202-2466

Ref: 8ENF-W

APR 20 2005

CERTIFIED MAIL 7003 2260 0001 7779 1947
RETURN RECEIPT REQUESTED

Teton County Commissioners
c/o Larry Jorgenson, Chair
POB 3594
Jackson, Wyoming 83001

Re: Notice of Safe Drinking Water
Act Enforcement Action against
Spotted Horse Ranch
PWS #5600492

Dear County Commissioners:

Pursuant to Section 1414(a)(2)(B) of the 1996 amendments to the Safe Drinking Water Act (SDWA), the Environmental Protection Agency (EPA) is required to notify an appropriate locally elected official of any action taken in a State that does not have primary enforcement authority for public water systems. The State of Wyoming does not have primary enforcement authority for public water systems under the SDWA.

An Administrative Order is being issued under Section 1414 of the SDWA to the Spotted Horse Ranch, Inc., Jackson, Wyoming. This Order requires that the public water system take measures to return to compliance with the SDWA and the National Primary Drinking Water Regulations. Spotted Horse Ranch, Inc., is in violation of 40 C.F.R. §§ 141.63(a)(2), 141.21(b)(5), 141.21, 141.21(g)(1), and 141.21(g)(2) and for: exceeding the maximum contaminant level for total coliform bacteria, failure to sufficiently monitor total coliform bacteria, and for failure to report SDWA violations to EPA.

A copy of the Order is enclosed for your information. The Order does not require any response or action by the County Commission. If you have any questions regarding this Order, please contact Kathelene Brainich at (303) 312-6481.

Sincerely,

Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosure



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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

IN THE MATTER OF)

Spotted Horse Ranch, Inc.)
Jackson, Wyoming)

Respondent)

Proceedings under Section 1414(g))
of the Safe Drinking Water Act,)
42 U.S.C. §300g-3(g))

2005 APR 20 AM 8:07

FILED
EPA REGION VIII
HEARING CLERK

ADMINISTRATIVE ORDER

Docket No. **SDWA-08-2005-0016**

The following Findings are made and Order issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency (EPA) by Section 1414(g) of the Safe Drinking Water Act (the Act), 42 U.S.C. § 300g-3(g) and its implementing regulations, as properly delegated to the Supervisors of the Technical and Legal Enforcement Programs of the Office of Enforcement, Compliance and Environmental Justice, EPA Region 8.

FINDINGS

1. Spotted Horse Ranch, Inc. (Respondent) is a corporation under the laws of the State of Wyoming as of August 1998 and therefore a "person" within the meaning of 40 C.F.R. § 141.2.
2. Respondent owns and/or operates a system, the Spotted Horse Ranch Water System (the "System"), located in Teton County, Wyoming for the provision to the public of piped water for human consumption.
3. The Spotted Horse Ranch Water System has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of

the year and is therefore a "public water system" within the meaning of Section 1401(4) of the Act, 42 U.S.C. § 300f(4), and a "non-community water system" within the meaning of 40 C.F.R. § 141.2.

4. Respondent owns and/or operates a public water system and is therefore a "supplier of water" within the meaning of Section 1401(5) of the Act, 42 U.S.C. § 300f(5) and 40 C.F.R. § 141.2. Respondent is therefore subject to the requirements of Part B of the Act, 42 U.S.C. § 300g et seq., and its implementing regulations, 40 C.F.R. Part 141.
5. According to an August 2004 sanitary survey by an agent for EPA, Respondent operates a ground water system that is supplied by two wells. The System serves approximately 30 persons per day through 19 service connections from June 1 to September 30th.

FINDINGS OF VIOLATION

I.

1. 40 C.F.R. § 141.21 requires any non-community public water system with an average daily population of less than 1,001 and having a groundwater source to monitor its water at least once per quarter to determine compliance with the maximum contaminant level (MCL) for total coliform bacteria as stated in 40 C.F.R. § 141.63.

2. 40 C.F.R. § 141.63(a)(2) imposes and defines the MCL for total coliform bacteria, applicable to public water systems collecting fewer than 40 samples per month, as prohibiting more than one sample collected during the month from being positive for total coliform bacteria.
3. Monitoring results submitted by Respondent for the public water system during July 2004 and August 2001 exceeded the MCL for total coliform bacteria, in violation of 40 C.F.R. § 141.63(a)(2).

II.

1. 40 C.F.R. § 141.21(b)(5) requires public water systems that collect fewer than 5 routine samples per month and have one or more total coliform positive samples to collect at least 5 routine samples during the next month the system provides water to the public.
2. Respondent failed to collect at least 5 routine samples in September 2004 after a total coliform positive sample in the preceding month, in violation of 40 C.F.R. § 141.21(b)(5).

III

1. 40 C.F.R. § 141.21 requires any non-community public water system with an average daily population of less than 1,001 and having a groundwater source to monitor its water at least once per quarter to determine

compliance with the MCL for total coliform bacteria as stated in 40 C.F.R. § 141.63.

2. Respondent failed to monitor the water for contamination by total coliform bacteria during the 2nd (April-June) quarter of 2001, in violation of 40 C.F.R. § 141.21.

IV.

1. 40 C.F.R. § 141.21(g)(1) requires a public water system that has exceeded the MCL for total coliform in 40 C.F.R. § 141.63 to report the violation to EPA no later than the end of the next business day after it learns of the violation.
2. Respondent failed to report to EPA the July 2004 total coliform MCL violation detailed in Section I, in violation of 40 C.F.R. § 141.21(g)(1).

V.

1. 40 C.F.R. § 141.21(g)(2) requires public water systems that have failed to comply with a coliform monitoring requirement under 40 C.F.R. § 141.21 to report the violation to EPA within ten days after the system discovers the violation.
2. Respondent failed to report to EPA the instance of noncompliance detailed in Sections II and III, in violation of 40 C.F.R. § 141.21(g)(2).

ORDER

Based on the foregoing Findings, and pursuant to Section 1414(g) of the Act, IT IS ORDERED:

1. If the System has a total coliform MCL violation during its June-September 2005 operational season, Respondent shall submit to EPA detailed plans for bringing Respondent's public water system into consistent compliance with the MCL for coliform bacteria at 40 C.F.R. § 141.63. This plan shall be submitted to EPA within 30 days of the total coliform MCL violation. The plan shall include proposed system modifications, estimated costs of modifications, and a schedule for construction of the project and compliance with the MCL for coliform bacteria. The proposed schedule shall include specific milestone dates, a final installation date that shall be within 9 months from the total coliform MCL violation, and it shall be submitted to EPA for approval. The plan must be approved by EPA before construction/modifications can commence.
2. If a plan is required as outlined in paragraph 1 above, the schedule for construction and/or completion of modifications will be incorporated into this Order upon written approval by EPA.

3. If a plan is required as outlined in paragraph 1 above, Respondent shall submit to EPA quarterly reports on the progress made toward bringing Respondent's system into consistent compliance with the coliform bacteria MCL at 40 C.F.R. § 141.63. The first quarterly report shall be submitted to EPA within 90 days of the total coliform MCL violation referenced in paragraph 1 of this Section.
4. Upon the effective date of this Order, Respondent shall comply with the requirement of 40 C.F.R. § 141.21(a) to perform quarterly bacteriological monitoring. Respondent shall comply with the MCLs as stated in 40 C.F.R. § 141.63. Respondent shall report analytical results to EPA within the first 10 days of the end of the monitoring period, as required by 40 C.F.R. § 141.31(a).
5. Upon the effective date of this Order, Respondent shall comply with all sampling requirements specified in 40 C.F.R. § 141.21(b)(5). If Respondent's water system has one or more total coliform positive samples in a month, Respondent shall collect at least 5 routine samples during the next month the system provides water to the public. Respondent shall report analytical results to EPA within the first 10 days following the

end of the monitoring period, as required by 40 C.F.R. § 141.31(a).

6. Upon the effective date of this Order, Respondent shall comply with 40 C.F.R. § 141.21(g)(1) by reporting any total coliform MCL violation under 40 C.F.R. § 141.63 to EPA no later than the end of the next business day after Respondent learns of the violation.
7. Upon the effective date of this Order, Respondent shall comply with 40 C.F.R. § 141.21(g)(2) by reporting any failure to comply with coliform monitoring requirements under 40 C.F.R. § 141.21 to EPA within ten days after the Respondent discovers the violation.
8. Reporting requirements specified in this Order shall be provided by certified mail to:

U.S. EPA Region 8 (8P-W-MS)
999 18th Street, Suite 300
Denver, Colorado 80202-2466

GENERAL PROVISIONS

1. This Order does not constitute a waiver, suspension, or modification of the requirements of 40 C.F.R. § 141.1 et seq., or the Safe Drinking Water Act, which remain in full force and effect. Issuance of this Order is not an election by EPA to forgo any civil or criminal action otherwise authorized under the Act.
2. Violation of any term of this Order may subject the Respondent to an administrative civil penalty of up to

\$27,500 under Section 1414(g)(3)(B) of the Act,
42 U.S.C. § 300g-3(g)(3)(B), or a civil penalty of not
more than \$32,500 per day of violation assessed by an
appropriate U.S. District Court under Section
1414(g)(3)(C) of the Act, 42 U.S.C. § 300g-3(g)(3)(C).

3. Violation of any requirement of the SDWA or its
implementing regulations may subject Respondent to a
civil penalty of not more than \$32,500 per day of
violation assessed by an appropriate U.S. District
Court under Section 1414(b) of the Act, 42 U.S.C.
§ 300g-3(b).

4. The effective date of this Order shall be the date of
issuance of this Order.

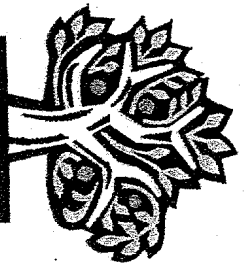
Issued this 20th day of April, 2005.

Loraine M. Ross acting for David Janik
Michael T. Risner, Director
David J. Janik, Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

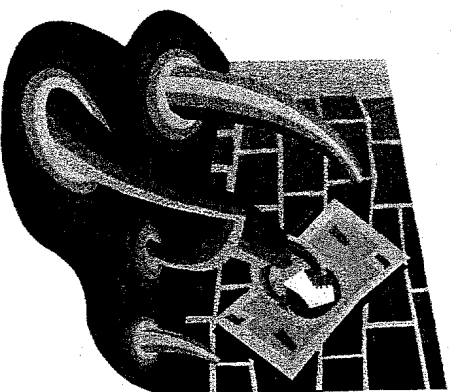
Diane L. Sipe
Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

WYOMING
WATER/WASTEWATER
TASK FORCE

Governor Jim Geringer established the Wyoming Water/Wastewater Task Force in 2001 as an interagency effort to reduce the likelihood of waterborne disease outbreaks in Wyoming. Government agencies represented on the Task Force include the Wyoming Department of Agriculture, Wyoming Department of Health, Wyoming Department of Environmental Quality, several county health departments, and the U.S. Environmental Protection Agency.



FUNDING OPTIONS
FOR
PRIVATELY-OWNED
PUBLIC WATER
SYSTEMS IN
WYOMING





U. S. EPA Small Business Resources

If you own a small business, the United States Environmental Protection Agency (EPA) offers a variety of compliance assistance and tools to assist you in complying with federal and state environmental laws. These resources can help you understand your environmental obligations, improve compliance and find cost-effective ways to comply through the use of pollution prevention and other innovative technologies.

Hotlines, Helplines and Clearinghouses

EPA sponsors approximately 89 free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements.

The National Environmental Compliance Assistance Clearinghouse provides quick access to compliance assistance tools, contacts, and planned activities from the U.S. EPA, states, and other compliance assistance providers: <http://www.epa.gov/clearinghouse>

Pollution Prevention Clearinghouse
<http://www.epa.gov/opptintr/library/ppicindex.htm>

EPA's Small Business Ombudsman Hotline can provide a list of all the hot lines and assist in determining the hotline best meeting your needs:
(800) 368-5888

Emergency Planning and Community Right-To-Know Act
(800) 424-9346

National Response Center (to report oil and hazardous substance spills)
(800) 424-8802

Toxics Substances and Asbestos Information
(202) 554-1404

Safe Drinking Water
(800) 426-4791

Stratospheric Ozone and Refrigerants Information
(800) 296-1996

Clean Air Technology Center
(919) 541-0800

Wetlands Helpline
(800) 832-7828

EPA Websites

EPA has several Internet sites that provide useful compliance assistance information and materials for small businesses. If you don't have access to the Internet at your business, many public libraries provide access to the Internet at minimal or no cost.

EPA's Home Page
<http://www.epa.gov>

Small Business Assistance Program
<http://www.epa.gov/ttn/sbap>

Office of Enforcement and Compliance Assurance
<http://www.epa.gov/compliance>

Compliance Assistance Home Page
<http://www.epa.gov/compliance/assistance>

Office of Regulatory Enforcement
<http://www.epa.gov/compliance/civil/index.html>

Office of Site Remediation Enforcement
<http://www.epa.gov/compliance/cleanup>

Innovative Programs for Environmental Performance
<http://www.epa.gov/partners>

Small Business Ombudsman
www.sba.gov/ombudsman